

355
CW

FILED

APR 16 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name Crowther Raymond
(Last) (First) (Initial)

Prisoner Number CDC # V79553

Institutional Address San Quentin State Prison, San Quentin CA 94974

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

Raymond Crowther
(Enter the full name of plaintiff in this action.)

vs.

Superior Court of California

Etc al...

County of San Mateo

(Enter the full name of the defendant(s) in this action)

CV 08

1981

Case No. _____
(To be provided by the Clerk of Court)

**COMPLAINT UNDER THE
CIVIL RIGHTS ACT,
Title 42 U.S.C § 1983**

(PR)

E-filing

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies.

[Note: You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement San Quentin State Prison

B. Is there a grievance procedure in this institution?

YES ☒ NO ()

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO ☒

D. If your answer is YES, list the appeal number and the date and result of the appeal at each level of review. If you did not pursue a certain level of appeal, explain why.

no

08-08-08

CW

1 1. Informal appeal _____

2 _____

3 _____

4 2. First formal level _____

5 _____

6 _____

7 3. Second formal level _____

8 _____

9 _____

10 4. Third formal level _____

11 _____

12 _____

13 E. Is the last level to which you appealed the highest level of appeal available to

14 you?

15 YES ☒ NO ()

16 F. If you did not present your claim for review through the grievance procedure,

17 explain why. Complainant Life IS In Imminent Danger

18 _____

19 _____

20 II. Parties.

21 A. Write your name and your present address. Do the same for additional plaintiffs,

22 if any.

23 Raymond Crowther CDC#V79553

24 San Quentin State Prison

25 San Quentin CIA 94974

26 B. Write the full name of each defendant, his or her official position, and his or her

27 place of employment.

28 _____

1 Superior Court of California

2 County of San Mateo

3 Redwood City California

4
5 III. Statement of Claim.

6 State here as briefly as possible the facts of your case. Be sure to describe how each
7 defendant is involved and to include dates, when possible. Do not give any legal arguments or
8 cite any cases or statutes. If you have more than one claim, each claim should be set forth in a
9 separate numbered paragraph.

10 Complainant Filing this Complaint Because His
11 Life is in Imminent Danger,

12 on Jan 3-2008 Complainant File a Petition For writ
13 of Habeas Corpus. In San Mateo County Superior Court,
14 Stating His Life was in Danger Following some information
15 Complainant Had Given The Court Please see The Attach
16 Exhibit-A- Dated Jan-3-2008, Six Pages.
17 San Mateo County Superior Denied Complainant
18 writ of Habeas Corpus on Jan 14-2008. Please see
19 The Attach Exhibit-B- 3 pages For Reason For
20 The Denial Etc...

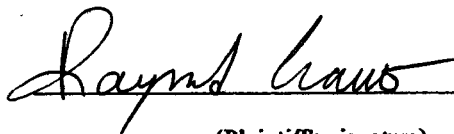
21
22
23 IV. Relief.

24 Your complaint cannot go forward unless you request specific relief. State briefly exactly
25 what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

26 That I Be Granted A Discharge From California State
27 Parole \$300,000 To Be Relocated To Mississippi

1
2
3
4
5 I declare under penalty of perjury that the foregoing is true and correct.

6
7 Signed this 9th day of April, 2008

8
9 
10

(Plaintiff's signature)

Name Raymond Crowther
 Address San Quentin State Prison
San Quentin CA 94974

CDC or ID Number V79553

RECEIVED

JAN 03 2008

CLERK OF THE SUPERIOR COURT
 SAN MATEO COUNTY

In The State of California
County of San Mateo
 (Court)

PETITION FOR WRIT OF HABEAS CORPUS

No. HC 1970

(To be supplied by the Clerk of the Court)

<u>Raymond Crowther</u> Petitioner vs. Respondent <u>State of California</u>

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

This petition concerns:

- ☐ A conviction
☐ A sentence
☐ Jail or prison conditions
☒ Parole
☐ Credits
☐ Prison discipline

☒ Other (specify): Witness Protection

1. Your name: Raymond Crowther
2. Where are you incarcerated? _____
3. Why are you in custody? ☒ Criminal Conviction ☐ Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

- a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

Petty Theft with Prior

- b. Penal or other code sections: PC 666
- c. Name and location of sentencing or committing court: San Mateo County Superior Court
Redwood City California 94063
I was convicted in this court
- d. Case number: I Do Not know Case Number my Jail ID. # 301201.
- e. Date convicted or committed: May 18th - 2005
- f. Date sentenced: May 13 - 2005
- g. Length of sentence: 2 years
- h. When do you expect to be released? ^{Jan} 1-12-2008
- i. Were you represented by counsel in the trial court? ☒ Yes. ☐ No. If yes, state the attorney's name and address:

Raymond Benutuna 333 Bradford St Redwood City CA.

4. What was the LAST plea you entered? (check one)

☐ Not guilty ☐ Guilty ☒ Nolo Contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☐ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

Exhibit - A-

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

(1) Life In Jeopardy.

(2) Violation of Petitioner's Right To Freedom

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

In May 2005 Petitioner Reported A Crime Being Committed In This Honorable Court. Charges were file AS A RESULT of my Report By The District Attorney's OFFICE. In This Honorable Court In May 2005 ^{Superior Court} of San Mateo Co. The Charges Included Conspiracy And Terrorism Among other Things. Petitioner will try and spell the Two Criminals Names Please Excuse Petitioner Spelling (1) Henry Biota (2) John Caulaughan. Now To The Problems For Petitioner Reporting Such Crimes. Petitioner Life Has Been Threaten many Times In Regards To The Report. Petitioner IS on California State Parole with Two years Left To Go. Petitioner Reported His Life Being Threaten To The San Carlos Police Detective of Ficer Name Hennency. I May of 2006. Detective Hennency Contacted my Parole Agent Lynn Anderson In Regards To Petitioner Having His Parole Transferred. Parole Agent Lynn Denied

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

7. Ground 2 or Ground _____ (if applicable):

a. Supporting facts:

Any Transfer Even After knowing The Seriousness of my Parole Conditions. Detective Hennency was one of The Detective That Handler The Case. Against Henry Bictof And John Caulaughan. Petitioner Physical And mental Health IS Getting much worse. Petitioner IS Taking medication For The Following Disabling Conditions, mental ^{Health} Diabete High Blood Pressure and High Cholesterol. Petitioner Has Being Homeless Now For 13^{teen} years In California. Petitioner IS A None Violent Felony And was Convicted By This Honorable Court In may 2005. For Petty Theft with A Prior ^{Superior Court} of sanmateo Co. Petitioner Still Has Not Paid Full Resitution Due to His Disabling Conditions. Petitioner will Be Release on Parole ~~11~~^{Jan}-1-12-2008.

*^{Note} The only Place Petitioner Has He Can Now Live safely with Support of Family IS In mississippi. Petitioner Has Already Serve Two years on Parole In Sanmateo County. Petitioner Request From This Honorable Court AS soon AS This Petition Can Be Heard A Discharge From California State Parole Or At Lease Grant Petitioner A Transfer of His Parole with Waiver of Restitution Fine To Be Allowed To Leave To mississippi upon Parole January 12th-2008. Petitioner Request Relief.

b. Supporting cases, rules, or other authority:

8. Did you appeal from the conviction, sentence or commitment? ☒ Yes. ☐ No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

First District Court of Appeals

b. Result Denied

c. Date of decision: 1-2006

d. Case number or citation of opinion, if known: Don't know

e. Issues raised: (1) Plea Bargain Agreement

(2) Credits At Sentencing — Waiver

(3) _____

f. Were you represented by counsel on appeal? ☒ Yes. ☐ No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☒ Yes. ☐ No. If yes, give the following information:

a. Result Denied

b. Date of decision: March 2006

c. Case number or citation of opinion, if known: Don't know

d. Issues raised: (1) Plea Bargain Agreement —

(2) Credits At Sentencing — Waiver

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

This Petitioner Concern matters of The Court.

Board of Parole Hearing, No Longer Has Administrative Remedies.

b. Did you seek the highest level of administrative review available? ☒ Yes. ☐ No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☐ Yes. If yes, continue with number 13. ☒ No. If no, skip to number 15.

13. a. (1) Name of court: _____
 (2) Nature of proceeding (for example, "habeas corpus petition"): _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____
- b. (1) Name of court: _____
 (2) Nature of proceeding: _____
 (3) Issues raised: (a) _____
 (b) _____
 (4) Result (Attach order or explain why unavailable): _____
 (5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

N/A

16. Are you presently represented by counsel? ☐ Yes. ☒ No. If yes, state the attorney's name and address, if known:

How Ever Petitioner Do Request The Court Appoint Counselor IF
 The Court Issue TO Show Cause.

17. Do you have any petition, appeal, or other matter pending in any court? ☒ Yes. ☐ No. If yes, explain:

IN Petitioner Pending In The California Supreme Court.

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

N/A

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: Dec
 12-13-2007


 (SIGNATURE OF PETITIONER)

RECEIVED

APR 07 2008

CLERK OF THE SUPERIOR COURT
SAN MATEO COUNTY

Exhibit-A-

Raymond Crowther

CDC# V79553

San Quentin State Prison

San Quentin CA 94974

In The Superior Court Of The State Of California

In And For The County Of San Mateo.

Case No. SC-56294 A

HC. 1970

In re

Raymond Crowther

on Habeas Corpus

Motion And Notice
of Motion And Request
For Copy Of The
Original Writ Of Habeas
Corpus File In The Above
Case HC-1970.

Come Now I Raymond Crowther And The Petitioner
In The Above Writ of Habeas Corpus ^{File} 1-3-08 In This
Honorable Court. Petitioner Now Give Motion And Notice
of motion TO The Clerk of This Honorable Court For
A Copy of The Original Copy of The Writ of ~~Heeb~~ Habeas
Corpus File In This Honorable Court.

Dated 3-26-2008

Respectfully Submitted
Ray C

Exhibit-B

AFFIDAVIT OF MAILING

SC056294A
HC 1970

FILED
SAN MATEO COUNTY

JAN 14 2008

IN RE: PEOPLE VS RAYMOND CROWTHER

Clerk of the Superior Court

By 
DEPUTY CLERK

DOCUMENT: ORDER OF DENIAL FOR PETITION FOR WRIT OF HABEAS
CORPUS.

I DECLARE UNDER PENALTY OF PERJURY THAT ON THE FOLLOWING DATE
I DEPOSITED IN THE UNITED STATES POST OFFICE MAIL BOX AT REDWOOD
CITY A TRUE COPY OF THE FOREGOING DOCUMENT, ENCLOSED IN AN
ENVELOPE WITH THE PROPER AND NECESSARY POSTAGE PREPAID
THEREON, AND ADDRESSED TO THE FOLLOWING:

RAYMOND CROWTHER
CDC#V79553
SAN QUENTIN STATE PRISON
SAN QUENTIN, CA 94974

OFFICE OF THE DISTRICT ATTORNEY
(VIA COUNTY MAIL)

EXECUTED ON JANUARY 14, 2008
SUPERIOR COURT SAN MATEO COUNTY
REDWOOD CITY, CALIFORNIA
SUPERIOR COURT CLERK

By 
K. MOCHEL

DEPUTY COURT CLERK II

Exhibit - B-

FILED
SAN MATEO COUNTY

JAN 14 2008

Clerk of the Superior Court

DEPUTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

In re:)	Case No. SC-56294A
)	HC-1970
RAYMOND CROWTHER)	
On Habeas Corpus.)	ORDER OF DENIAL
)	
)	

The Court has received and reviewed the Petition for Writ of Habeas Corpus filed by the Petitioner, Raymond Crowther, on January 3, 2008. The Petitioner states that he is due to be released on parole on January 12, 2008, and that he wishes to have his parole transferred to Mississippi with waiver of his restitution fines. He states that in May 2006, San Carlos Police Detective Hennency contacted his parole agent, Lynn Anderson, and made this request on his behalf, and it was denied.

A paroled prisoner who leaves the state without permission of the Board of Prison Terms is to be considered an escaped prisoner. (Pen. Code § 3059.) This Court does not have the authority to grant the petition in the absence of a showing that the denial of the request violated the Petitioner's constitutional rights. (See In re Duvall (1995) 9 Cal.4th 464,

Exhibit-B-

1 474 (The purpose of a habeas corpus petition is to collaterally
2 attack a presumptively final criminal judgment.) The
3 Petitioner has not provided this Court with points and
4 authorities stating which of his rights, if any, have been
5 violated.

6 Furthermore, a habeas petitioner must state fully and with
7 particularity the facts on which relief is sought, and include
8 reasonably available documentation in support of the claim.

9 (Ibid.) The Petitioner has not attached any documentation
10 establishing that he has actually asked the Board of Prison
11 Terms for relief, that the relief was denied, and the reason
12 for the denial. Thus, he has not provided the documentation
13 required under Duvall.

14 When a petition for writ of habeas corpus fails to reveal
15 sufficient facts which, if true, would establish a prima facie
16 case for relief, summary denial is appropriate. (In re Clark
17 (1993) 5 Cal.4th 750, 769 n.9.) Because the Petitioner has not
18 established a prima facie case for relief, the petition for
19 writ of habeas corpus is denied.

20
21
22 DATED: 1/11/08

Clifford V. Cretan
Clifford V. Cretan
Presiding Judge, Criminal

**INMATE/PAROLEE
 APPEAL FORM**
 CDC 902 (12/87)

Location: Institution/Parole Region

Log No.

Category

16

1. _____

1. _____

2. _____

2. _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
Raymond Crowther	V79553	Reception Center	Gym 46

A. Describe Problem: I must Have The Attach Certificate of my Trust Account Fill out Sign And Return to me AS SOON AS POSSIBLE I Have A Very Important Legal Issue that must Be file in The United States District Court AS SOON AS POSSIBLE Concerning my

If you need more space, attach one additional sheet.

B. Action Requested: Could you Please Respond AS SOON AS POSSIBLE By Filling out The Attach And Returning to me

Inmate/Parolee Signature:

[Signature]

MAR 24 REC'D

Date Submitted:

3-20-08

C. INFORMAL LEVEL (Date Received: MARCH 27, 08)

Staff Response: GRANTED your 6 mos. certificate was sent to your counselor on 4-7-08

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CDC 602 (12/87)

☐ See Attached Letter

DIRECTOR'S ACTION: ☐ Granted

☐ P. Granted

☐ Denied

☐ Other

Date: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

Signature: _____

Date Submitted: _____

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Warden/Superintendent Signature: _____

Date Returned to Inmate: _____

Signature: _____

Date Completed: _____

☐ See Attached Letter

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: _____

Due Date: _____

Second Level ☐ Granted

☐ P. Granted

☐ Denied

☐ Other

Signature: _____

Date Submitted: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: _____

Date to Inmate: _____

Division Head Approved: _____

Returned

Staff Signature: _____

Title: _____

Date Completed: _____

Interviewed by: _____

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: _____

Due Date: _____

First Level ☐ Granted

☐ P. Granted

☐ Denied

☐ Other

State of California

CDC FORM 695

Screening For:

CDC 602 Inmate/Parolee Appeals

CDC 1824 Reasonable Modification or Accommodation Request

Exhibit - C

RE: Screening at the FIRST Level

March 30, 2008

CROWTHER, V79553

GYM 46

Log Number: CSQ-4-

(Note: Log numbers are not assigned to screen out appeals, or informal level appeals)

The enclosed documents are being returned to you for the following reasons:

You have not included evidence of an attempt to resolve the problem at the Informal Level. The Informal Level of Review is waived for appeals of classification actions; serious disciplinaries; CSR actions; departmental regulations, policies or operational procedures; staff complaints; and exceptional circumstances as defined in CCR 3084.7. Obtain an informal response by sending your appeal directly to:

YOUR ASSIGNED COUNSELOR. THIS IS IN RESPONSE TO APPEAL RECEIVED 3/24/08 REGARDING ACCOUNT BALANCE.



Appeals Coordinator
San Quentin State Prison

NOTE: Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE

